

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHN E. ISOM,

Plaintiff,

v.

Case No. 07-C-993

STEVEN BISKUPIC,

Defendant.

ORDER

On April 24, 2008, the plaintiff was granted leave to proceed *in forma pauperis*.¹ Because the plaintiff is a prisoner, he is required to pay the statutory filing fee of \$350.00 for this action. *See* 28 U.S.C. § 1915(b)(1). The April 24, 2008 Order also ordered the Secretary of the Wisconsin Department of Corrections (“DOC”) to collect the remainder of the filing fee which was calculated to be \$146.90. However, on April 28, 2008, the clerk’s office received and docketed a partial filing fee of \$49.53. Apparently, the plaintiff’s \$49.53 partial filing fee and the court’s Order crossed in the mail because the remainder of the filing fee as stated in the Order does not take into account the \$49.53. The plaintiff has filed a letter in which he expresses concern that, pursuant to order of the court, the DOC will collect too much money from his account.

Based on the foregoing, this Order will serve to bring the balance owed on the filing fee up-to-date and to inform the Secretary of the DOC of that balance. As of May 8, 2008, the plaintiff has paid \$252.38 towards the filing fee in this case. The Secretary of the DOC will be directed to collect the remainder of the filing fee (\$97.62) from the plaintiff’s trust account.

¹ In the same Order, this case was dismissed for failure to state a claim.

IT IS THEREFORE ORDERED that the Secretary of the Wisconsin Department of Corrections or his designee shall collect from the plaintiff's prison trust account the \$97.62 balance of the filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the clerk of the court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. § 1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action.

Dated at Milwaukee, Wisconsin this 9th day of May, 2008.

BY THE COURT:

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge